

Appendix 2



1. (Amended) A recombinant DNA molecule comprising  
[a)] a regulatory sequence of a promotor active in  
plants[;] and

[b)] [operably linked thereto] a DNA sequence  
encoding [a protein with a biological activity of] a 2-  
deoxyglucose-6-phosphate (2-DOG-6-P) phosphatase operably  
linked thereto.[;and]

[c) operably linked thereto regulatory sequences  
which may serve as transcription termination and/or  
polyadenylation signals in plants.]

2. (Amended) The recombinant DNA molecule of  
claim 1, wherein the DNA sequence [which encodes a protein  
with the biological activity of a 2-DOG-6-P phosphatase] is  
selected from the group consisting of

(a) a DNA sequences ~~comprising a nucleotide  
sequence~~ which encodes the amino acid sequence ~~indicated in~~  
of SEQ ID NO: 2;

(b) a DNA sequences ~~comprising the  
nucleotide sequence indicated in~~ of SEQ ID NO: 1;

(c) a DNA sequences ~~comprising a nucleotide  
sequence~~ which hybridizes under stringent conditions to a  
complementary strand of the ~~nucleotide~~ DNA sequence of (a)  
or (b);

(d) a DNA sequences ~~comprising a nucleotide  
sequence~~ which is degenerate to a ~~nucleotide~~ the DNA sequence  
of (b) or (c); and

(e) a DNA sequences ~~being a derivative,  
analogue or fragment of a nucleotide sequence of (a), (b),  
(c) or (d) and encoding a protein possessing~~ encoding a  
polypeptide amino acid sequence that is at least 90%

identical to the amino acid sequence of SEQ ID NO: 2 and having 2-DOG-6-P phosphatase activity.

3. (Amended) The recombinant DNA molecule of claim 1 or 2, wherein the DNA sequence is obtained ~~derived~~ from yeast.

4. (Amended) The recombinant DNA molecule of ~~any one of claims 1 or 2 to 3~~, wherein the promoter is ~~the~~ a 35S CaMV promoter.

5. (Amended) A vector comprising ~~a~~ the recombinant DNA molecule of ~~any one of claims 1 to 4~~ claim 1 or 2.

8. (Amended) A host cell ~~containing~~ comprising ~~a~~ the recombinant DNA molecule of claim 1 or 2 ~~any one of claims 1 to 4~~ or a vector comprising said recombinant DNA molecule of any one of claims 5 to 7.

9. (Amended) A kit comprising ~~a~~ the recombinant DNA molecule of ~~any one of claims 1 to 4~~ claim 1 or 2 or a vector comprising said recombinant DNA molecule of any one of claims 5 to 7 and optionally comprising 2-deoxyglucose or a chemical compound functionally equivalent to 2-deoxyglucose ~~a non-metabolizable analogue of glucose~~.

10. (Amended) A process for selecting a transformed plant cells, comprising the following steps:

(a) obtaining plant cells;

(b) introducing ~~a~~ the recombinant DNA molecule of claim 1 or 2 ~~any one of claims 1 to 4~~ or a vector comprising said recombinant DNA molecule of any one claims 5 to 7 into ~~these~~ said plant cells; and

(c) selecting the successfully transformed plant cells on 2-deoxyglucose-containing media or on media containing ~~a chemical compound which is functionally equivalent to 2-deoxyglucose~~ a non-metabolizable analogue of glucose.

11. (Amended) The process of claim 10, wherein the vector ~~of any one of claims 5 to 7~~ is transferred to plant cells via *Agrobacterium tumefaciens*.

12. (Amended) The process of claim 10, wherein the recombinant DNA molecule ~~of any one of claims 1 to 4~~ or the vector ~~of any one of claims 5 to 7~~ is transferred to plant cells by particle bombardment.

13. (Amended) A transgenic plant cell ~~containing a comprising the~~ recombinant DNA molecule of claim 1 or 2 ~~any one of claims 1 to 4~~ or a vector comprising said recombinant DNA molecule ~~of any one of claims 5 to 7~~ or ~~produced according to the process of any one of claims 10 to 12.~~

14. (Amended) The transgenic plant cell of claim 13 further comprising , ~~which contains~~ at least one further foreign gene.

15. (Amended) A plant tissue comprising the plant cells of claim 13 ~~or 14~~ ~~or produced according to the process of any one of claims 10 to 12.~~

16. (Amended) A transgenic plant ~~containing a comprising the~~ plant cell of claim 13 ~~or 14~~ ~~or produced according to the process of any one of claims 10 to 12.~~

17. (Amended) A ~~harvest~~ products ~~of~~harvested from the transgenic plant of claim 16 comprising plant cells ~~of claim 13 or 14.~~

18. (Amended) A propagation material comprising the plant cell~~of the plants~~ of claim ~~16~~13 ~~comprising plant cells of claim 13 or 14.~~

19. (Amended) ~~Use of a DNA molecule which comprises a DNA sequence as defined in any one of claims 1 to 3, of a recombinant DNA molecule of any one of claims 1 to 4 or of a vector of any one of claims 5 to 7 for~~ A method of producing a transgenic plants, a plant cells, and/or a tissue, or a combination thereof from the recombinant DNA molecule of claim 1 or 2, or a vector comprising said recombinant DNA molecule comprising:

- a) obtaining a plant cell; and
- b) introducing the recombinant DNA molecule or vector into the plant cell.

20. (Amended) ~~Use of a DNA molecule which comprises a DNA sequence as defined in any one of claims 1 to 3, of a recombinant DNA molecule of any one of claims 1 to 4 or of a vector of any one of claims 5 to 7 as~~ The recombinant DNA molecule of claim 1 or 2, wherein the recombinant DNA is a selectable marker in a plant cell, tissue culture, and/or plant breeding, or a combination thereof.